

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DUDWICK SHINDLER VERDINI, INC.,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
CROWLEY BROTHERS, INC.,	:	
Defendant.	:	NO. 99-1942

**MEMORANDUM ORDER**

**J. M. KELLY, J.**

**JUNE 9, 1999**

Presently before the Court is Defendant Crowley Brothers, Inc.'s Motion to Transfer this case to the District of Massachusetts (Document No. 6). Plaintiff Dudwick Shindler Verdini, Inc., objects to this transfer on the grounds that it primarily would serve Defendant's interests, and, under the first-filed rule, this Court has jurisdiction. Neither objection is particularly availing. Both public and private interests will be served by transferring this case to the District of Massachusetts. See Jumara v. State Farm Ins. Co., 55 F.3d 873, 879-80 (3d Cir. 1995).

Because Judge Harrington of the District of Massachusetts already has held two hearings in the case before him, he has developed a familiarity with the parties, facts, and law that this Court will not squander by maintaining jurisdiction. Further, it appears the interests of Defendant's preference, the convenience of most parties and witnesses, and the location of relevant records are served by transferring this case to the District of Massachusetts. Moreover, the first-filed rule does not compel a contrary result. District courts are not required to apply that rule without regard to the facts each case presents, and because Judge Harrington already has entered a preliminary injunction against Plaintiff, this case involves the rare circumstances under which the

Court may decline to apply the first-filed rule. See EEOC v. University of Pa., 850 F.2d 969, 972 (3d Cir. 1988), aff'd on other grounds, 493 U.S. 182, 187 n.1 (1990). For these reasons, it is hereby **ORDERED** Defendant's motion is **GRANTED** and this matter is transferred to the District of Massachusetts.

BY THE COURT:

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JAMES MCGIRR KELLY, J.